

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MARIA R. METCALF,

Plaintiff,

v.

DREXEL LENDING GROUP, a CA Corp.,
OLD REPUBLIC TITLE CO. A CA Corp.,
AURORA LOAN SVCS, LLC, a CA LLC,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., a
Delaware Corporation and ROBERT E.
WEISS, INC., a California Corporation,

Defendants.

Civil No. 08cv0731-W (POR)

**ORDER DENYING DEFENDANT DGG
FINANCIAL CORPORATION DBA
DREXEL LENDING GROUP'S
REQUEST TO CONTINUE EARLY
NEUTRAL EVALUATION**

[Doc. No. 33]

On July 14, 2008, Defendant DGG Financial Corporation d.b.a. Drexel Lending Group ("DGG Financial") filed a request to continue the Early Neutral Evaluation due to the fact its motion to dismiss is currently pending before the Court. Defendant DGG Financial indicates Judge Whelan continued the motion hearing date, upon request of Plaintiff, to August 1, 2008. Defendant DGG Financial represents that because no oral argument will be heard, a ruling on its motion to dismiss may or may not be made by that date. Defendant DGG Financial argues that good cause exists to grant its request because "the case will not be at issue on July 22nd and judicial resources would be preserved by continuing the hearing to a time in which the parties can meaningfully discuss resolution of the case."

Pursuant to Local Rules, Early Neutral Evaluation Conferences are to be held within forty-five (45) days of the filing of an answer and shall be rescheduled only upon a showing of good

1 cause. See CivLR 16.1. In this case, the fact a motion to dismiss is pending does not constitute
2 good cause to reschedule a conference as it is uncertain when a ruling on Defendant's motion to
3 dismiss will be rendered.

4 Furthermore, the conference cannot be continued without stipulation of the parties. Attempts
5 to contact Plaintiff regarding Defendant DGG Financial's request to continue the conference have
6 been unsuccessful as the telephone number Plaintiff provides in her complaint is disconnected.
7 Counsel for Defendant DGG Financial represent they have no contact information for Plaintiff other
8 than what she has provided in her complaint.

9 Based on these reasons, the Court hereby DENIES Defendant DGG Financial's request to
10 continue the Early Neutral Evaluation.

11 **IT IS SO ORDERED.**

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13 DATED: July 18, 2008

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15 LOUISA S PORTER
16 United States Magistrate Judge

17 cc: The Honorable Thomas J. Whelan
18 all parties
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